



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

#1  
04-2003-9954 73

DEC 2 9 2003

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Robert E. Futrell, Jr.  
Wyrick Robbins Yates & Ponton, LLP  
4202 Lake Boone Trail - Suite 300  
Raleigh, North Carolina 27607

RE: Voluntary Self-Disclosure of EPCRA and SPCC Violations

Dear Mr. Futrell:

After reviewing the information and documents you submitted on behalf of Business Telecom, Inc. (BTI), pursuant to the Environmental Protection Agency's (EPA's) "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations," (Audit Policy), 65 FR 19618 (April 11, 2000), EPA concludes that the following violation occurred:

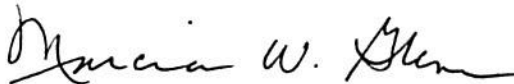
- Violation 1: BTI failed to submit a Material Safety Data Sheet (MSDS) for sulfuric acid and/or lead to the State Emergency Response Commission (SERC), the Local Emergency Planning Committee (LEPC) and the fire department with jurisdiction over the facility within three months after being required to prepare or have available a MSDS for sulfuric acid and/or lead under the Occupational Safety and Health Act of 1970, as required by Section 311 of EPCRA, 42 U.S.C. § 11021. On August 15, 2003, BTI submitted the reports to the appropriate agencies.
- Violation 2: BTI failed to timely submit a Tier II report for sulfuric acid and/or lead to the SERC, LEPC, and the fire department with jurisdiction over the facility for calendar year 2002 and previous years, as required by Section 312 of EPCRA, 42 U.S.C. § 11022. BTI submitted the reports to the appropriate agencies on August 15, 2003.
- Violation 3: BTI failed to notify the SERC within 60 days after sulfuric acid, an Extremely Hazardous Substance (EHS), was present in excess of the threshold planning quantity (TPQ), as required by Section 302 of EPCRA, 42 U.S.C. § 11002. On August 15, 2003, BTI submitted the report to the SERC.
- Violation 4: BTI failed to notify the LEPC of a designated facility representative who will participate in the emergency planning process as a facility emergency response coordinator, as required by Section 303 of EPCRA, 42 U.S.C. § 11003. BTI submitted the information to LEPC on August 15, 2003.

Violation 5: BTI failed to have available on-site at its Raleigh, North Carolina facility, a Spill Prevention Control, and Countermeasure Plan as required by Section 311 of the FWPCA, 33 U.S.C. § 1321. BTI has the plan available for review on site and submitted the plan to the appropriate agency on August 14, 2003.

In order to encourage regulated entities to conduct voluntary compliance evaluations and to promptly disclose and correct violations, EPA may, pursuant to the Policy, substantially reduce or even eliminate the gravity-based component of civil penalties if the conditions specified in the Policy are met. Based on a thorough evaluation of the facts surrounding the violations and the measures BTI has taken to correct the violations and prevent recurrences, EPA has determined that BTI met the conditions specified in the Policy. Enclosed is a Notice of Determination (NOD) regarding the EPCRA matter involving BTI. EPA will exercise its enforcement discretion and not assess a gravity-based penalty for the violations specified above. EPA will take no further action on the EPCRA violations disclosed by

If you have any questions, please call me at 404/562-9537.

Sincerely,

A handwritten signature in black ink, appearing to read "Marcia W. Glenn". The signature is fluid and cursive, with the first name "Marcia" being the most prominent part.

Marcia W. Glenn  
Paralegal Specialist

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4

In the Matter of:

Business Telecom, Inc.

Respondent.

Proceeding under Section 325 of the  
Emergency Planning and  
Community Right-to-Know Act (EPCRA)  
and Section 311 of the Federal Water  
Pollution Control Act (FWPCA)

)  
) NOTICE OF DETERMINATION  
)  
)

) DOCKET NUMBER: 04-2003-99<sup>13</sup><sub>54</sub>  
)  
)  
)

FINAL DETERMINATION

Pursuant to the "Final Policy Statement on Incentives for Self-Policing: Discovery, Disclosure, Correction, and Prevention of Violations" (65 Fed. Reg. 19618, April 11, 2000) (Audit Policy), the Environmental Protection Agency, Region 4 (EPA) hereby issues this Final Determination on violations disclosed to EPA by Business Telecom, Inc., (BTI) at various facilities located in the states of North Carolina; South Carolina; Georgia; Florida; and Tennessee. See Attachment "A" attached hereto.

AUDIT POLICY

EPA issued the Audit Policy to encourage regulated entities to conduct voluntary compliance evaluations and to disclose and promptly correct violations. As an incentive for companies to undertake self-policing, self-disclosure, and self-correction of violations, EPA may substantially reduce or eliminate gravity-based civil penalties; however, EPA retains its discretion to recover any economic benefit gained as a result of noncompliance. Where the disclosing party establishes that it satisfies all of the conditions listed below, as set forth in the Audit Policy, EPA will not seek gravity-based penalties for violations of federal environmental requirements:

- (1) Discovery of the violation(s) through an environmental audit or compliance management system;
- (2) Voluntary disclosure;
- (3) Prompt disclosure;
- (4) Discovery and disclosure independent of government or third party plaintiff;
- (5) Correction and remediation;
- (6) Prevent recurrence;
- (7) No repeat violations;
- (8) Other violations excluded; and
- (9) Cooperation.

FINDINGS OF FACT

In a letter to EPA dated June 20, 2003, BTI admitted the following violations of the Emergency Planning and Community Right-to-Know Act (EPCRA), and the Federal Water Pollution Control Act (FWPCA):



- Violation 1: BTI failed to submit a Material Safety Data Sheet (MSDS) for sulfuric acid and/or lead to the State Emergency Response Commission (SERC), the Local Emergency Planning Committee (LEPC) and the fire department with jurisdiction over the facility within three months after being required to prepare or have available a MSDS for sulfuric acid and/or lead under the Occupational Safety and Health Act of 1970, as required by Section 311 of EPCRA, 42 U.S.C. § 11021. On August 15, 2003, BTI submitted the reports to the appropriate agencies.
- Violation 2: BTI failed to timely submit a Tier II report for sulfuric acid and/or lead to the SERC, LEPC, and the fire department with jurisdiction over the facility for calendar year 2002 and previous years, as required by Section 312 of EPCRA, 42 U.S.C. § 11022. BTI submitted the reports to the appropriate agencies on August 15, 2003.
- Violation 3: BTI failed to notify the SERC within 60 days after sulfuric acid, an Extremely Hazardous Substance (EHS), was present in excess of the threshold planning quantity (TPQ), as required by Section 302 of EPCRA, 42 U.S.C. § 11002. On August 15, 2003, BTI submitted the report to the SERC.
- Violation 4: BTI failed to notify the LEPC of a designated facility representative who will participate in the emergency planning process as a facility emergency response coordinator, as required by Section 303 of EPCRA, 42 U.S.C. § 11003. BTI submitted the information to LEPC on August 15, 2003.
- Violation 5: BTI failed to have available on-site at its Raleigh, North Carolina facility, a Spill Prevention Control, and Countermeasure Plan as required by Section 311 of the FWPCA, 33 U.S.C. § 1321. BTI has the plan available for review on site and submitted the plan to the appropriate agency on August 14, 2003.

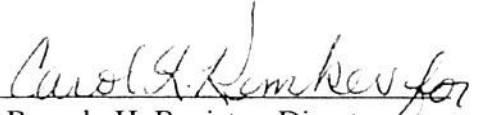
#### FINAL DETERMINATION

Pursuant to the Audit Policy and based on information provided by the facility, EPA makes the following final determination for the disclosure identified above. The facility meets the conditions of the Audit Policy for 100 percent elimination of gravity-based penalties for these violations. EPA will not seek gravity-based penalties for these violations. The facility gained no apparent economic benefit as a result of these violations.

Consistent with the purposes of the Audit Policy, EPA expects the facility to institute, on a continuing and company-wide basis, the internal policies and procedures necessary to prevent recurrence of violations of environmental requirements.

**DEC 29 2003**

Date



Beverly H. Banister, Director  
Air, Pesticides & Toxics Management Division  
EPA - Region 4

ATTACHMENT A

	Address	City, State	Violation of Law
1.	201 South Orange Ave. #750, 32801-3413	Orlando, FL	1. Failure to submit list of hazardous substances (batteries) (to state, local and fire dept.; §311) (to state; §302) 2. Failure to notify LEPC of facility emergency coordinator (§303(d)) 3. Failure to submit Tier II Report regarding batteries (§312)
2.	400 N. Tampa St., Suite 750, 33602	Tampa, FL	Same as 1 above, except no reporting under §§ 302 and 303
3.	55 Park Place, NE, Suite 350, 30303	Atlanta, GA	Same as 1 above
4.	2 East Bryan St., 31401	Savannah, GA	Same as 1 above
5.	1568 N. Honeycutt, St., 27504	Benson, NC	Same as 1 above
6.	701 East Trade St., Suite C, 28284	Charlotte, NC	Same as 1 above
7.	2513 Baltimore Rd., 28434	Council, NC	Same as 1 above
8.	Creekstone Crossing Service Center, 5400 S. Miami Blvd., #134, 27703-8465	Durham, NC	* Same as 1 above
9.	214 Robeson St., 28301	Fayetteville, NC	Same as 1 above
10.	105-H Creekridge Rd., South Elm Center, 27406	Greensboro, NC	Same as 1 above
11.	710 Red Banks Rd., 27858	Greenville, NC	Same as 1 above
12.	2111-C Harrod St., 27604	Raleigh, NC	1. Same as 1 above 2. Failure to adopt SPCC Plan per 40 CFR Part 112
13.	19302 US Hwy 301, 28384	St. Pauls, NC	Same as 1 above
14.	3255 Burnt Mill Dr., Suite 1, 2 & 3, 28403	Wilmington, NC	Same as 1 above
15.	301 N. Main St., Suite G-100, 27101	Winston-Salem, NC	Same as 1 above, except no reporting under §§ 302 and 303
16.	176 Crogham Spur Rd., 2 <sup>nd</sup> Fl., 29407	Charleston, SC	Same as 1 above
17.	10775 N. Hwy 17, 29458	McClellansville, SC	Same as 1 above
18.	The Mark Center, 2734 Beaver Run Blvd., 29575	Myrtle Beach, SC	Same as 1 above
19.	2 Bailey Rd., 29941	Sheldon, SC	Same as 1 above
20.	625 Gay St., Suite 520, 37902	Knoxville, TN	Same as 1 above
21.	Suite G100-A, 150 Fourth Ave. N., 37219-2417	Nashville, TN	Same as 1 above

\*Excludes Section 312 violation

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# CASE CONCLUSION DATA SHEET

#2

- (To be Submitted to EAD When:
- (1) Judicial Consent Decrees/Orders are Entered by Court
  - (2) Administrative Penalty Settlements are Filed, Along with an Administrative Action Data Sheet
  - (3) Administrative Non-Penalty Orders are Issued, Along with an Administrative Action Data Sheet)

**Note: Form will be returned if this section is incomplete:**

Name of Person Completing Form: Marcia W. Glenn

Date: 12-29-

Signature of Program Office Supervisor or Designee: \_\_\_\_\_

Date: \_\_\_\_\_

## A. Case and Facility Background

1. Case Name Business Telecom, Inc
2. REDS No. \_\_\_\_\_
3. Court Docket/Regional Hearing Clerk Docket No. \_\_\_\_\_
- 4(a) EPA Lead Attorney Marcia W. Glenn
- 4(b) EPA Program Contact Stacey Bouma
11. Facility Name Business Telecom, INC State \_\_\_\_\_

5. Statute(s) and Section(s) **Violated** (NOT Authorizing Section Nor CFR):

EPCRA / 311;  
FWPCA 311

EPCRA / 312;

EPCRA / 313;

EPCRA (302)(303)

6. Authorizing Section for Administrative Actions: \_\_\_\_\_ / \_\_\_\_\_

7. Action Dates (Complete **EITHER** Administrative or Judicial):

Administrative:

Issued/Filed \_\_\_\_\_

Final Order

12/29/03

Judicial:

Settlement Lodged \_\_\_\_\_

Settlement Entered \_\_\_\_\_

Estimated Termination Date: \_\_\_\_\_

15. Was Alternative Dispute Resolution Used in This Action? ☐ Yes ☐ No

16. Action Type:

- ☐ (a) Consent Decree or Court Order Resolving a Civil Judicial Action
- ☐ (b) Administrative Penalty Order (with/without Injunctive Relief)
- ☐ (c) Superfund Administrative Cost Recovery Agreement
- ☐ (d) Federal Facility Compliance Agreement (NOT including RCRA Matters)
- ☐ (e) Field Citations
- ☐ (f) Administrative Compliance Orders
- ☒ (g) Notice of Determination (Self-Disclosure Cases)



**D. Injunctive Relief and Other Compliance Activities (Non-SEP Related)**

**Note: Penalty orders without injunctive relief and Superfund administrative cost recovery agreements SHOULD SKIP THIS SECTION.**

17. What action did violator accomplish prior to receipt of settlement/order or will take to return to compliance or meet additional requirements? This may be due to settlement/order requirements or otherwise required by statute or regulation. Include actions completed prior to the final settlement/order and actions to be taken by violator to return to compliance or meet additional requirements. Where separate penalty and/or compliance orders are issued in connection with same violation(s), report the following information for only one of those orders. Select response(s) from the following:

**Column 1:**

**Actions That Result In Pollutant Reduction/Elimination**

(Also Complete Entire No. 19)

☐ Use Reduction

☐ Industrial Process Change  
(Includes Flow Reduction)

☐ Emission/Discharge Change  
(Install/Modify Controls)

☐ Disposal Change

☐ Remediation (Treatment-ex-situ, in-situ; containment)

☐ Removal

☐ RD/RA

☐ Restoration

☐ Best Management Practice  
(Includes O&M)

**Column 2:**

**Actions That Result in Pollutant Identification**

(Also Complete Pollutant Column in Question No. 19)

☐ Storage Change

☐ Labeling/Manifesting

☐ Permit Application

**Column 3:**

**Actions That Do Not Result In Pollutant Reduction/Elimination**

(Skip Question No. 19)

☐ Testing

☐ Auditing

☐ Monitoring/Sampling

☐ Recordkeeping

☒ Reporting

☐ Information Letter Response

☐ Training

☐ Provide Site Access

☐ Site Assessment/  
Site Characterization

☐ RI/FS or Corrective Measures  
Study

☐ Environmental Mgmt Systems

☐ Financial Responsibility  
Requirements

☐ Notification/Registration

☐ Planning

Other (Describe) \_\_\_\_\_

If No Injunctive Relief, Choose One : Cost Recovery ONLY \_\_\_\_\_ Penalty ONLY \_\_\_\_\_

THIS INFORMATION IS **REQUIRED** IF INJUNCTIVE RELIEF IS INDICATED IN QUESTION #17

18. **Cost of Injunctive Relief** Described in Item 17 (Actual Cost Data Supplied by Violator is Preferred Figure):

Column No. 1 Actions: \$ \_\_\_\_\_ **AND/OR** Columns No. 2 and 3 Actions: \$ \_\_\_\_\_

19. Quantitative Environmental Impact of Actions Described in Item 18:

**REDUCTIONS/ELIMINATIONS:**

Pollutants/Chemical Waste Stream	Annual Amount Reduced/Eliminated/Treated*	Units**	Origination Media***
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

\*Note: **ICIS Rounds Calculations Automatically.** Therefore, any calculation of 0.xxx will round down to zero. Please consider this when doing pollutant calculations. It may be necessary to change the unit to a smaller unit – for example from pounds to ounces.

**\*\*Acceptable Units Are:**

Acre Feet  
Acres (CWA)  
Cubic Feet  
Cubic Meters  
Cubic Yards  
55-Gallon Drums  
Gallons  
Grams  
Kilograms  
Linear Feet  
Liters  
Metric Tons  
Milligrams  
Milliliters  
One Million Grams  
One Thousand Gallons  
Ounces  
Pounds  
Pounds Per Day  
Square Feet  
Tons

**\*\*\*Acceptable Origination Media Choices Are:**

Air & Radiation  
Drinking Water  
Groundwater  
Land  
Landfill  
Liquid  
Multi-Media  
Pesticides & Toxic Substances  
Sediment  
Sludge Lagoon  
Soil  
Solid Waste  
Surface Water  
Water  
Wetlands

Has EPA Taken Previous Formal Enforcement Action Regarding These Violations? (Does Not Include NOV's)

☐ Yes ☐ No

If Yes, Docket Numbers of Previous Actions: \_\_\_\_\_

### E. Supplemental Environmental Project (SEP) Information

20. Categories of SEPs (Check all appropriate categories. If no, proceed to #25)

☐ (a) Public Health

☐ (b) Pollution Prevention

☐ (1) Equipment/Technology Modifications

☐ (2) Process/Procedure Modifications

☐ (3) Product Reformulation/Redesign

☐ (4) Raw Material Substitution

☐ (5) Improved Housekeeping/O&M/Training/Inventory Control

☐ (6) In-Process Recycling

☐ (7) Energy Efficiency/Conservation

☐ (c) Environmental Restoration and Protection

☐ (d) Assessments and Audits

☐ (e) Environmental Compliance Promotion

☐ (f) Emergency Planning and Preparedness

☐ (g) Other SEP Category (Specify) \_\_\_\_\_

21. SEP Description \_\_\_\_\_

22. Cost of SEP. Cost Calculated by the PROJECT Model is Preferred. \$ \_\_\_\_\_

23. Is Environmental Justice Addressed by SEP? ☐ Yes ☐ No

24. Quantitative Environmental Impact of SEP:

Pollutants/Chemical Waste  
Stream

Annual Amount  
Reduced/Eliminated/  
Treated\*

Units\*\*

Origination Media\*\*\*

NOTE: See lists of acceptable units and medias on page 3 of this form.

**F. Penalty Information** (If there is no penalty, enter 0 and proceed to #27)

25(a) Assessed Penalty      0      \$ 0

25(b) (If Shared) Federal Share      \$ \_\_\_\_\_

25(c) (If Shared) State or Local Share      \$ \_\_\_\_\_

26. For Multi-Media Actions, Federal Amounts by Statute:

Statute	Amount
_____	\$ _____
_____	\$ _____
_____	\$ _____

**G. Cost Recovery**

27. Amount of Cost Recovery Awarded:

\$ \_\_\_\_\_ EPA Share

\$ \_\_\_\_\_ State and/or Local Government Share

\$ \_\_\_\_\_ Other

Was this an overfile action?    ☐ Yes    ☒ No

(Overfiling occurs when (1) a state/local delegated or approved program has taken no action or an inadequate action to address a violation at a facility; AND (2) EPA takes an enforcement action against the same facility for the same violation; AND (3) the state has not joined with EPA in the EPA action nor asked EPA to bring the action.)



**FOR SELF-DISCLOSURE CASES ONLY**  
(COMPLETE ONLY IF FACILITY SELF-DISCLOSED VIOLATIONS)

**H. Self-Disclosure Information**

Did Company Self-Disclose Violations? ☒ Yes ☐ No

Date of Disclosure: 06-23-03

Was the Disclosure Resolved Under: ☒ Audit Policy ☐ Small Business Policy

If Resolved Under Small Business Policy, Provide SIC Code: \_\_\_\_\_

Was Disclosure Referred by Another Region or HQ? ☐ Yes ☒ No

If Yes, What Office? \_\_\_\_\_

Was Disclosure Part of Compliance Incentive Program? ☐ Yes ☒ No

If Yes, Choose All That Apply

- |  |  |
|--|--|
| <input type="checkbox"/> Bakers CFC Partnership Program          | <input type="checkbox"/> Prisons Program                           |
| <input type="checkbox"/> CMOM POTW Program                       | <input type="checkbox"/> Storage Tank Emission Reduction Program   |
| <input type="checkbox"/> Colleges & Universities Program         | <input type="checkbox"/> Stormwater/Commercial Development Program |
| <input type="checkbox"/> Grain Processing Program                | <input type="checkbox"/> Telecommunications Incentive Program      |
| <input type="checkbox"/> Industrial Organic Chemical Program     | <input type="checkbox"/> Wood Treaters Program                     |
| <input type="checkbox"/> Lead Disclosure Program                 |  |
| <input type="checkbox"/> National Iron & Steel Incentive Program |  |
| <input type="checkbox"/> Oil & Gas Program                       |  |

Number of Facilities Associated With This Disclosure? 210

Any Outstanding Issues? ☐ Yes ☒ No (If yes, please describe): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Penalty Information:**

Penalty Calculation Before Mitigation: \$ \_\_\_\_\_

% or Amount of Gravity-Based Penalty Waived: 100 % OR \$ \_\_\_\_\_

Gravity-Based Penalty Assessed: \$ \_\_\_\_\_

Economic Benefit Assessed: \$ \_\_\_\_\_

*\* Refer TO NOD*

Rationale for Not Applying Disclosure Policy:

☐ No Violation Occurred

☐ Not a Systematic  
Discovery

☐ Discovery Not Voluntary

☐ Disclosure Not Prompt

☐ Entity Had Repeat Violations

☐ Agreement or Order  
Violated

☐ Violation(s) Not Corrected Expeditiously

☐ Discovery & Disclosure  
Not Independent

☐ Cooperation Insufficient

☐ Actual Serious Harm or  
Imminent &  
Substantial Endangerment

☐ Federal Facility That Would Not Be Liable for a Penalty

**Note: Question Numbers Correspond with the Case Conclusion Data Sheet Training Booklet, Dated November 2000.**

If You Have Any Questions, Please Contact Teresa Shirley-Wright at 2-9647 or Priscilla Johnson at 2-9614.

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# ADMINISTRATIVE ACTION DATA SHEET

To Be Submitted to EAD When:

- (1) a Complaint is Filed; or  
 (2) When a Complaint/ Settlement is Filed Together; Along with a CCDS  
 (3) a Non-Penalty Order is Issued; Along with a CCDS

1. Case Name Business Telecom, Inc.  
 2. REDS No. \_\_\_\_\_  
 3. Court Docket/Regional Hearing Clerk Docket No. \_\_\_\_\_

4(a) EPA Lead Attorney Marcia W. Glenn Phone No. 29537

4(b) EPA Program Contact Stacey Bouma Phone No. 29192

## Facility Information

Information for One Facility (If More Facilities, Attach Additional Pages.)  
 (Use Location of Site of Violation; **DO NOT** use a P.O. Box #.)

11. Facility Name Business Telecom, Inc.

12. Street Address \* County \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

13(a) Primary 4-Digit SIC Code \_\_\_\_\_ (b) Other 4-Digit SIC Codes \_\_\_\_\_

14(a) EPA Program ID No. \_\_\_\_\_

14(b) EPA FLA No. \_\_\_\_\_

Is this a Federal Facility? \_\_\_\_\_ Yes \_\_\_\_\_ ☒ No

Is this Indian Land? \_\_\_\_\_ Yes \_\_\_\_\_ ☒ No

Is This a Small Business? \_\_\_\_\_ Yes \_\_\_\_\_ No

If Yes, What Tribe? \_\_\_\_\_

Note: Question Numbers Correspond with the Case Conclusion Data Sheet Training Booklet, Dated November 2000.

If You Have Any Questions, Please Contact Teresa Shirley-Wright at 2-9647 or Priscilla Johnson at 2-9614.

*\* Multiple Facilities - Refer To NOD*



5. Statute(s) and Section(s) Violated (**NOT** Authorizing Section Nor CFR):

EPCRA

311

EPCRA

312

EPCRA

313

FWPCA 311

6. Authorizing Section for Administrative Actions: \_\_\_\_\_/\_\_\_\_\_

If CERCLA, Is the Site on the NPL? \_\_\_\_ Yes \_\_\_\_ No

12. CFR Violation Citation(s):

40 CFR Part \_\_\_\_\_ Section \_\_\_\_\_

40 CFR Part \_\_\_\_\_ Section \_\_\_\_\_

40 CFR Part \_\_\_\_\_ Section \_\_\_\_\_

40 CFR Part \_\_\_\_\_ Section \_\_\_\_\_

8. Is this a MULTI-MEDIA action? \_\_\_\_ Yes ☒ No

If Yes, check all that apply:

\_\_\_\_ M-M inspection

\_\_\_\_ M-M complaint

\_\_\_\_ M-M settlement

\_\_\_\_ SEP in other media

9. Was The Agency Activity Taken in Response to Environmental Justice Concerns? \_\_\_\_ Yes ☒ No

If Yes, Check All That Apply: \_\_\_\_ Minority Population & Low Income

\_\_\_\_ Low Income

\_\_\_\_ Minority Population

\_\_\_\_ Other

Is The Facility Located in an Environmental Justice Area? \_\_\_\_ Yes ☒ No

## PRIORITY INFORMATION

### MOA Priority (Check All That Apply):

#### CAA Air Toxics & NSR/PSD:

- ☐ Coal-Fired Power Plant
- ☐ Coal-Fired Power Plant (SIC Code 4911)
- ☐ NSR
- ☐ PSD

#### Petroleum Refining:

- ☐ Benzene Waste (BENZ)
- ☐ LDAR (LDAR)
- ☐ Refinery Fuel Gas (REFFG)

#### RCRA:

- ☐ Misidentified Waste (RMISWT)
- ☐ Permit Evaders (RCRPE)
- ☐ Permit Evaders - Misidentified Wastes

#### SDWA Microbial:

- ☐ Other Microbial (OMICR)
- ☐ SWTR Violations (SWTR)
- ☐ TCR Violations (PWTCR)

#### Wet Weather:

- ☐ CAFO (AFLOT)
- ☐ CSO (CSO)
- ☐ SSO (SS)
- ☐ Stormwater (STORM)
- ☐ Stormwater - Construction
- ☐ Stormwater - Industrial
- ☐ Stormwater - Municipal

### Regional Priority (Check All That Apply):

- ☐ Coastal & Inland Marinas
- ☐ Corrective Action Facilities
- ☐ Geographic Initiative
- ☐ Hazardous Waste Facilities
- ☐ Metal Galvanizers
- ☐ Mobile Bay Compliance Assurance Initiative
- ☐ Plastics & Synthetic Resin Manufacturers
- ☐ Textile Industry
- ☐ Wood Preserving Facilities

7. Date Complaint Filed: \_\_\_\_\_

Proposed Penalty Amount \$ \_\_\_\_\_

Is This An Amended Complaint: ☒ Yes ☐ No

AND/OR Proposed Cost

Recovery Amount \$ \_\_\_\_\_

#### Self Disclosure Information

Did Company Self-Disclose Violations? ☒ Yes ☐ No

Does Company Have Less Than 100 Employees? ☐ Yes ☒ No

(Note: If Yes, Treat As If Violations Were Disclosed Under EPA's Small Business Policy)

Date Violations Disclosed: 06 / 20 / 03

Violation Type (Please select all that apply):

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Accreditation  | <input type="checkbox"/> Land Ban                                      | <input type="checkbox"/> CERCLA Reporting Quantity Discharge Violation     |
| <input type="checkbox"/> Acid Rain  | <input type="checkbox"/> Land Disposal & Treatment                     | <input type="checkbox"/> Violation of SIP - Not Otherwise Listed           |
| <input type="checkbox"/> Animal Feedlot (CAFO)                                | <input type="checkbox"/> Labeling/Marking Req.                         | <input type="checkbox"/> Sludge Disposal Requirements, Violation of        |
| <input type="checkbox"/> AO Violation - Violation of Previously Issued AO     | <input type="checkbox"/> Lead Paint Rule                               | <input type="checkbox"/> Sanitary Sewer Overflows                          |
| <input type="checkbox"/> Battery Management Act Violation                     | <input type="checkbox"/> Manufacturer Defeat Device                    | <input type="checkbox"/> Stormwater Overflows                              |
| <input type="checkbox"/> Benzene Waste  | <input type="checkbox"/> Microbial Violations                          | <input type="checkbox"/> Storage Facility Requirements, Violation of       |
| <input type="checkbox"/> Bevill Enforcement Case                              | <input type="checkbox"/> MPRSA Judicial Case                           | <input type="checkbox"/> Sale-Uncertified Vehicle/ Engine                  |
| <input type="checkbox"/> CAA - Asbestos Req. Violation                        | <input type="checkbox"/> NESHAP  | <input type="checkbox"/> Violation of Surface Water Trtmt. Rule            |
| <input type="checkbox"/> CAA - Asbestos-in-Schools Violation                  | <input type="checkbox"/> New Fuels & Fuel Additives                    | <input type="checkbox"/> Tampering w/ Emissions Control Device             |
| <input type="checkbox"/> CAA - Risk Management Plan                           | <input type="checkbox"/> Nozzle Flow Rate                              | <input type="checkbox"/> Tracking Form Requirements                        |
| <input type="checkbox"/> CAA - Air Emissions - Not Otherwise Listed           | <input type="checkbox"/> Failure to Submit DMR                         | <input type="checkbox"/> RCRA Treatmnt Facility Req.                       |
| <input type="checkbox"/> CAA - Prevention of Significant Deterioration        | <input type="checkbox"/> Failure to Notify                             | <input type="checkbox"/> Urban Bus   |
| <input type="checkbox"/> CAA - Stratospheric Ozone Protection                 | <input type="checkbox"/> Discharge, Emission, or Activity w/out Permit | <input type="checkbox"/> UIC Casing & Cementing                            |
| <input type="checkbox"/> Closure & Post-Closure Req.                          | <input type="checkbox"/> Failure to Report Info.                       | <input type="checkbox"/> UIC Fluid Movement                                |
| <input type="checkbox"/> CAA - Asbestos Demolition/ Renovation Work Practices | <input type="checkbox"/> Non Road Engine                               | <input type="checkbox"/> UIC Mechanical Integrity                          |
| <input type="checkbox"/> Container Requirements                               | <input type="checkbox"/> New Source Perf. Std.                         | <input type="checkbox"/> UIC Monitoring Requirements                       |
| <input type="checkbox"/> Combined Sewer Overflows                             | <input type="checkbox"/> New Source Review                             | <input type="checkbox"/> UIC No Approved Plugging & Abandonment Plan       |
| <input type="checkbox"/> Diesel High Sulfur                                   | <input type="checkbox"/> Opacity                                       | <input type="checkbox"/> UIC Injection Between Outermost Casing            |
| <input type="checkbox"/> Diesel Misfueling                                    | <input type="checkbox"/> Other/Miscellaneous                           | <input type="checkbox"/> UIC Injection Beyond Authorized Pressure          |
| <input type="checkbox"/> Disposal Facility Req. - Not Otherwise Listed        | <input type="checkbox"/> FIFRA Packaging Req.                          | <input type="checkbox"/> UIC Unauthorized Injection                        |
| <input type="checkbox"/> Effluent Limit Violation - Not Otherwise Listed      | <input type="checkbox"/> OPA - Inadequate/No SPCC Plan                 | <input type="checkbox"/> UIC Unauthorized Operation of a Class IV Well     |
| <input type="checkbox"/> EPCRA - Toxic Release Inventory (EPCRA Section 313)  | <input type="checkbox"/> OPA - Oil Spill Violation                     | <input type="checkbox"/> UIC Non-compliance with Plugging & Abandonment    |
| <input type="checkbox"/> Exports Violation                                    | <input type="checkbox"/> PCB Rules, Violation of                       | <input type="checkbox"/> Unauthorized Brine Discharge                      |
| <input type="checkbox"/> Financial Resp. Req. - Violation of                  | <input type="checkbox"/> Pre-Manufacturing Notice Req.                 | <input type="checkbox"/> Unregulated Wastes                                |
| <input type="checkbox"/> Gasoline - Conventional                              | <input type="checkbox"/> Pretreatment Violation                        | <input type="checkbox"/> UST Violation of UST Req. - Other than LDAR       |
| <input type="checkbox"/> Gasoline Detergent                                   | <input type="checkbox"/> Permit Requirements - Violation of            | <input type="checkbox"/> UST Leak Detection & Repair (LDAR)                |
| <input type="checkbox"/> Gasoline - Lead Phasedown                            | <input type="checkbox"/> PWS Monitoring/Rept.                          | <input type="checkbox"/> Motor Vehicle Requirements                        |
| <input type="checkbox"/> Gasoline High Sulfur                                 | <input type="checkbox"/> PWS Max Contaminant Level                     | <input type="checkbox"/> Worker Protection Stds.                           |
| <input type="checkbox"/> Gasoline Volatility Limits                           | <input type="checkbox"/> PWS Notification to Public                    | <input type="checkbox"/> 404 Discharge w/out (or in Violation of) a Permit |
| <input type="checkbox"/> Gasoline - Reformulated                              | <input type="checkbox"/> PWS Sampling & Analyzing                      |  |
| <input type="checkbox"/> General Facility Requirement                         | <input type="checkbox"/> PWS Total Coliform Rule                       |  |
| <input type="checkbox"/> Good Laboratory Practices                            | <input type="checkbox"/> RCRA Permit Evader                            |  |
| <input type="checkbox"/> Groundwater Monitoring Req.                          | <input type="checkbox"/> Violation of Req. to Monitor/Maintain Records |  |
| <input type="checkbox"/> Imports Violation                                    | <input type="checkbox"/> Refinery Fuel Gas                             |  |
| <input type="checkbox"/> Info Letter Request Violation                        | <input checked="" type="checkbox"/> Violation of Reporting Req.        |  |
|   | <input type="checkbox"/> RCRA K061 Initiative                          |  |
|   | <input type="checkbox"/> RCRA Misidentified Waste                      |  |